



**UNITED STATES
DEPARTMENT OF LABOR**

Promoting and Protecting Opportunity

DOL News Brief

December 18, 2014

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BY THE NUMBERS

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The **BEST** of our blog

Each week, this space will bring you [the best from our blog](#).

- [A New Year, New OSHA Reporting Requirements](#): The New Year is less than two weeks away, and for some employers, 2015 means complying with new reporting requirements that go into effect on Jan. 1, writes Dr. David Michaels, assistant secretary of labor for occupational safety and health.
- [Take Two and Call Me in the Morning](#): It's best to keep your seasonal flu at home, so Mandy Edens, director of technical support and emergency management for the Occupational Safety and Health Administration offers seven simple workplace tips to keep you and your co-workers healthy.
- [A Much Needed Gift: A Fair Wage](#): For workers at the bottom of the income ladder, facing tough choices is a daily affair. Every day, they ask themselves which needs they can afford and which they can sacrifice.

States Leading the Way



At the inaugural conference of the State Innovation Exchange, Secretary Perez told state lawmakers that they have an integral role to play in building

What's New

Making the Case for Paid Leave, Minimum Wage

U.S. Secretary of Labor Thomas E. Perez appeared on MSNBC's "Morning Joe" on Dec. 12, calling for a national paid leave policy and an increase in the national minimum wage. He explained how both are good for workers and the economy, and noted that the United States is the only industrialized nation without



guaranteed paid family leave. Barely half of all U.S. workers report the ability to take some type of paid leave when ill, and only two out of five can do so for the birth of their child. Only three states have paid family leave. "California has put a paid leave system in place," said Perez. "The sky didn't fall; businesses are still growing." A survey of 253 California employers found more than 90 percent reported either positive or no noticeable effect on profitability, turnover and morale. On national minimum wage, Perez called for bipartisan action to end a five-year stalemate and raise the wage from \$7.25 per hour to \$10.10. Perez also observed that when low-wage workers are paid more, they spend it in the economy — increasing demand for goods and services.

- [Watch the Broadcast](#)
- [Learn About Paid Leave](#)
- [Learn About Raising the Minimum Wage](#)

Hearing Firsthand About the Necessity of Paid Leave

Instead of enjoying time with her newborn, Tomara Aldrich returned to her job at Barnard College 11 weeks after her son was born in January 2013. Without family leave, she had to use every available day of sick leave and vacation and six weeks of unpaid time. A few days later, the combination of stress, anxiety, depression and sleep deprivation exacerbated an existing seizure disorder and landed Aldrich in the hospital for three unplanned days with lost wages. Aldrich told Secretary Perez about her situation at breakfast on Dec. 12, just prior to his appearance that morning on MSNBC's "Morning Joe." He then shared her thoughts: "Paid leave would have allowed me to stay with my son a little longer, to transition more slowly back into the work world, to have avoided the hospital and the subsequent bills," Aldrich told Perez.

National News

With the New Year Comes New Reporting Requirements
Beginning Jan. 1, the Occupational Safety and Health Administration will

an economy that works for everyone. "The vision of shared prosperity is a joint venture between federal government, state government and local government, along with private sector partners, union partners and partners in philanthropy," Perez said. The lawmakers gathered in Washington, D.C., on Dec. 12 to outline priorities and share ideas for enacting progressive policies. While Congress has failed to move on key issues to strengthen the middle class — such as a federal minimum wage increase and paid leave — several states have taken the lead. "You have the ability to get things done," Perez observed. "We want to steal your ideas and take them to scale in Washington."

Minimum Wage Facts

Did you know that 28 million Americans would take home bigger paychecks if the national minimum wage was raised to \$10.10 per hour? That two million people would be lifted out of poverty? Or, that one in five children would see at least one parent benefit from a raised wage? To learn more, watch a new video.



- [Watch the Video](#)
- [Read the President's Plan](#)

Changes to ERISA Council

The 15-member ERISA Advisory Council advises the department on policies and regulations affecting employee benefit plans governed by the Employee Retirement Income Security Act. "Protecting workers' benefits is a priority for the ERISA Advisory Council and the department," said Secretary Perez on Dec. 15, in announcing new positions on the council. "These new members bring invaluable skills and experiences to the council, and will provide guidance and support to further the council's critical mission." Current members Paul M. Secunda was named 2015 council chair and Mark E. Schmidtke as vice chair. Five new council members were appointed: Elizabeth Ysla Leight, Jeffrey G. Stein, Jennifer Kamp Tretheway, Deborah A. Tully and Rennie Worsfold.

- [Read the News Release](#)

Advisory Committee on Veterans

The Advisory Committee on Veterans' Employment and Training and Employer Outreach convened on Dec. 18 in Washington, D.C., to discuss priorities for 2015. ACVETEO's chairman, Mike Haynie, vice chancellor at Syracuse University responsible for veterans and military affairs, led the meeting. In its final annual report to the secretary of labor and the House and Senate Veterans Affairs committees, the Advisory Committee identified three areas of focus for veterans employment: employer outreach and

require employers to report all work-related fatalities within eight hours and all in-patient hospitalizations, amputations and losses of an eye within 24 hours of being notified of the incident. In the past, employers only reported all workplace fatalities and when three or more workers were hospitalized in the same incident. Since September's announcement of its new requirements, OSHA has conducted extensive outreach to help employers understand the new standards. The agency recently held its first-ever Twitter chat on the subject, answering questions and directing the broader worker safety audience to useful resources.

- [Learn About the Reporting Requirements](#)
- [Read the Twitter Chat Recap](#)
- [Read the FAQs](#)

Take Three: American Apprenticeship Grants

Secretary Perez formally launched the \$100 million American Apprenticeship Initiative grant competition while visiting an innovative computer technician apprenticeship program recently in Philadelphia. John Ladd, administrator of the Office of Apprenticeship, answers three questions about the grant:

What is the goal of the grant? *Apprenticeships are a tried-and-true training model that has successfully prepared U.S. workers in industries like construction and manufacturing. Today's Registered Apprenticeship model offers the flexibility and rigor to prepare workers for high-skilled jobs in a variety of industries. This grant will encourage the expansion of apprenticeships into many emerging and growing industries in need of highly-trained workers, like health care, information technology, advanced manufacturing and others. The grants will also require clear employer commitments and strong public-private partnerships to ensure these apprenticeships are sustainable for the long run. Finally, this initiative will promote career pathways and require strategies that ensure that these expanded opportunities are available for all Americans, including populations that are currently underserved in apprenticeship. This is the largest federal investment in apprenticeships ever and is part of the Obama administration's goal to transform apprenticeship for the 21st century.*

Why focus on apprenticeships? *Apprenticeships have helped millions of Americans over the years find secure middle-class jobs with good wages and benefits. The average starting salary of someone who completes an apprenticeship is \$50,000. Apprenticeships are also a great talent development strategy for employers, many of whom say having apprentices not only builds loyalty to a company, but also increases production and leads to fewer accidents on the job. In fact, more than 90 percent of employers who hire apprentices recommend the model to other employers. By expanding apprenticeships to more industries, we also hope to expand access to apprenticeships to historically underrepresented populations, like women, minorities, veterans and people with disabilities.*

What happens next? *The department will be accepting applications for American Apprenticeship grants until April 30, 2015, so I encourage interested organizations to build an eligible partnership to apply for funding. Information about the grant and details on eligibility and how to apply can be found on the department's new apprenticeship website.*

- [Visit the Apprenticeship Website](#)
- [Read the News Release](#)
- [Read the Blog Post](#)
- [Learn More About the Grant Competition](#)

engagement, special populations (Native American veterans and women veterans especially) and transitioning service members. Committee members then discussed its 2015 agenda. Assistant Secretary for Veterans' Employment and Training Keith Kelly thanked the committee for its hard work: "Secretary Perez and I truly appreciate your insight and perspective on how to improve our efforts in helping veterans prepare for and find meaningful careers."

- [Find Resources for Veterans](#)

Assistance for Mass. Workers

A \$580,921 National Emergency Grant incremental award from the department will provide continued training and other services to approximately 175 workers impacted by the closure of Mersen USA, a manufacturer in Newburyport, Mass., and Philips Lightolier, a lighting company in Wilmington, Mass. Awarded to the Executive Office of Labor and Workforce Development, the funding will continue employment assistance to these workers in conjunction with training they receive as eligible recipients of Trade Adjustment Assistance benefits. "After a worker loses their job, updating their skills to align with those that employers demand is crucial to obtaining a new career," said Assistant Secretary of Labor for Employment and Training Portia Wu. "The Labor Department is committed to making timely investments to help workers prepare themselves to succeed in new occupations and restore their economic security."

- [Read the News Release](#)

Tribal Employment Rights



The Office of Federal Contract Compliance Programs and the Council for Tribal Employment Rights made history on Dec. 11 in signing a

memorandum of understanding to foster cooperation, support a mutually beneficial working relationship, and protect the employment rights of Indians and Native Americans. "Today, you are witnessing a historic event that benefits Indian and Native American job seekers and employees of federal contractors," said Theresa Lujan, director of OFCCP's Indian and Native American Employment Rights Program. OFCCP Deputy Director Tom Dowd and CTER President Lee Adolph signed the memorandum, which was enthusiastically applauded by the nearly 200 tribal employment rights representatives in attendance. "OFCCP was our first partner to provide assistance in tribal employment rights. Today is another positive step in our long-standing partnership," said Adolph.

- [Read the Memorandum of Understanding](#)

Program for Garment Contractors

DOL Working for You

Navy Veteran Finds New Work Family

One of four workers hired by Formica Corporation says he has finally found a home at the century-old Cincinnati company, after an investigation by the Office of Federal Contract Compliance Programs into discriminatory hiring practices. Terrence Warner, 52, is a 10-year Navy veteran who originally applied for an entry-level position with Formica in 2012. In March 2014, he was offered a position after the OFCCP found the company had discriminated in hiring for entry-level factory jobs at its manufacturing plant. "The job has made a big difference in my life," said Warner. "I have good benefits and I am compensated for the hours I work. My life is much more fulfilling. I have more time at home and that is important." Founded in 1913, Formica manufactures surfacing products and is a supplier to various government agencies.



DOL in Action

Order Derails Retaliation Effort by Metro-North Against Injured Worker

Metro-North Commuter Railroad Co.'s retaliation against an injured worker has resulted in a \$250,000 penalty, the largest punitive damages in a case of its kind under the Federal Railroad Safety Act. The Occupational Safety and Health Administration investigation uncovered that the worker, a coach cleaner for the rail carrier, was retaliated against after reporting a knee injury. While driving the injured employee to the hospital, a Metro-North supervisor also intimidated the worker, reportedly warning the worker that railroad employees hurt on the job are written up for safety and are not considered for advancement or promotions in the company. Shortly after reporting the incident, Metro-North issued disciplinary charges against the worker. OSHA has ordered Metro-North to pay the employee \$250,000 in punitive damages, \$10,000 in compensatory damages and reasonable attorney fees.

- [Read the News Release](#)

Serious Violations Glossed Over at Nail Polish Plant

Fiabila USA Inc. and two staffing agencies were cited by the Occupational Safety and Health Administration for multiple violations at a nail polish manufacturing plant in Mine Hill, N.J. OSHA fined Fiabila \$109,200 for 23 serious and two other-than-serious violations that exposed permanent and temporary workers to chemical, fire and explosion hazards. Fiabila stores thousands of pounds of flammable liquids on-site in indoor storage tanks. The staffing companies, JobConnection Services Inc. of Dover, N.J., and Joulé Clinical & Scientific Staffing Solutions (a division of System One) of Parsippany, N.J., were both cited for failure to train temporary workers on chemical hazards, emergency action plans and proper respirator use. Job Connection faces penalties of \$18,000 for three serious violations, while Joulé was cited for two serious violations with penalties of \$12,000.

- [Read the News Release](#)

Discrimination Alleged at Beef-Processing Plant in Utah

The Office of Federal Contract Compliance Programs alleged systematic discrimination at a Colorado-based federal contractor's beef-processing plant in Hyrum, Utah, in a suit filed on Dec. 15. The complaint accuses JBS USA of discrimination against qualified female, Caucasian, African-American

Twenty-one individuals participated on Dec. 13 in the first-ever graduation of the "Garment Contractor Business Strategies" course at California



East Los Angeles College, the culmination of collaborative efforts between the Wage and Hour Division, the Los Angeles Community College District and industry partners to combat systemic wage violations in the garment industry. "The course will help employers to succeed while at the same time comply with federal and state laws," said Danny Pasquil, district director for the division in West Covina. "We believe that the garment manufacturers and retailers who use these contractors will help eradicate the underground economy."

Injury, Illness Rates Drop

Workplace injuries and illnesses requiring days away from work ticked down slightly in 2013, Bureau of Labor Statistics rates show. These figures, which include private industry, state government and local government, showed 109.4 cases per 10,000 full-time workers in 2013, down from 111.8 in 2012. The median days away from work to recuperate, a key measure of the severity of injuries and illnesses, was eight days in 2013, down from seven in 2012. BLS reported 1,162,210 days-away-from-work cases for 2013, about the same number as in 2012.

- [Read the News Release](#)

Back Wages for 800 Hotel Workers

To combat violations of the Fair Labor Standards Act, the Jacksonville District Office of the Wage and Hour Division mounted an enforcement initiative in 2013 to investigate hotels, motels and temporary staffing agencies in Florida. To date, the division has completed 96 investigations and recovered \$244,126 in back wages for 800 employees. Investigators found that several staffing companies provided labor to client hotels and motels, but incorrectly classified employees as independent contractors and denied them full wages. Many workers were paid on a per-room basis or straight-time wages, without regard to minimum wage and overtime pay requirements. The investigations identified First Class Hospitality Inc. and Uniclass Management as major violators and also found that both companies failed to maintain a Family and Medical Leave Act policy.

- [Read the News Release](#)

Federal 'Best Places to Work'

The latest survey of federal employees by the Partnership for Public Service finds things are looking up at the Department of Labor. While the overall numbers showed troubling trends in

and Native-American applicants. The complaint followed an OFCCP investigation, which found that JBS failed to perform in-depth analyses of its employment process to determine if impediments to equal employment opportunity existed.

- [Read the News Release](#)

Birds Eye Foods Exposes Workers to Extreme Temperatures

An investigation by the Occupational Safety and Health Administration discovered Birds Eye Food employees in Darien, Wis., worked in freezers at 40 degrees below zero without properly insulated personal protective equipment. OSHA also found workers were exposed to slip, trip and fall hazards on unclean freezer floors. As a result, the frozen-food plant was cited for one repeat and 12 serious safety violations, carrying proposed penalties of \$109,400.

- [Read the News Release](#)

Defunct Auto Parts Company Owners Ordered to Restore Benefits

The owners of a Denver-based company that sold specialty parts for antique and classic automobiles were ordered by the U.S. District Court of Colorado to restore \$18,000 in unlawfully withheld employee contributions and loan repayments, including incurred administrative fees. The funds will be distributed to former employees of the defunct Streamline Inc. who participated in the company's retirement benefits plan. An investigation by the Employee Benefits Security Administration found that Matthew and Todd Gold failed to deposit employee retirement contributions for nearly two years and instead used those funds to operate the company. The Golds also neglected to administer the plan, which forced the plan's third-party administrator to assess administrative fees against the participants' accounts. The decision results from a suit alleging the owners violated the Employee Retirement Income Security Act of 1974.

New York Supermarket Worker Crushed to Death

A 22-year-old employee of Moisha's Kosher Discount Supermarket Inc. was fatally crushed between a cement wall and a forklift as workers used an electrical pallet jack to push a broken forklift up a ramp to the Brooklyn supermarket's roof on June 10. During the effort, the forklift rolled back down the ramp and pinned the worker against the wall. The Occupational Safety and Health Administration found that the broken 8,600-pound forklift weighed twice the pallet jack's maximum capacity; that the defective forklift had not been removed from service as required; and that workers had not been trained to operate the forklift or the pallet jack safely.

- [Read the News Release](#)

Anheuser-Busch Faces Fines for Warehouse Safety Violations

Anheuser-Busch InBev SA, maker of Budweiser, Bud Light and Corona beers, willfully put workers at risk of serious injury, an investigation by the Occupational Safety and Health Administration established. OSHA found that the company exposed permanent and temporary workers to hazards that involved powered industrial trucks and other dangers at its Jersey City, N.J., distribution warehouse. OSHA cited two willful and eight serious violations for hazards including failure to provide appropriate training for operators of powered industrial trucks, properly working equipment and safe exit routes. Proposed penalties total \$162,500.

- [Read the News Release](#)

Back Wages Recovered for Residential Care Workers

Twenty-four employees at five San Francisco-area residential care facilities will receive \$318,524 in minimum and overtime back wages plus an equal amount in damages following an investigation by the Wage and Hour Division. "These workers perform a vital role as caregivers, and some should have earned as much as an additional \$300 per week to meet

employee morale across the federal government, the department showed the most improvement of any large agency, climbing into the top 10 in "The Best Places to Work in the Federal Government." The rankings are based on more than 392,700 civil servants assessments of overall satisfaction and commitment, strategic management, teamwork, leadership and work-life balance. The department gained in all 10 workplace measures, reflecting Secretary Perez's belief that "employee satisfaction and engagement is critical to our effectiveness and our mission." The improved scores come amid a multi-faceted employee engagement effort designed to achieve department-wide buy-in on how to increase and improve training, support innovation and applaud exemplary work.

- [Learn About the Rankings](#)

Tapping Into Talent



For many businesses, the approach of the New Year involves strategic planning. One way to ensure a successful, long-term human capital strategy

is to build a strong pipeline of talent. Private businesses and federal agencies nationwide seeking qualified temporary and permanent job candidates from a variety of fields can now access the Workforce Recruitment Program, a free database of about 1,800 pre-screened and highly motivated college students and recent graduates with disabilities, including veterans. Federal employers can search the database directly. Private employers can post permanent and temporary positions, and WRP students can search and apply for these positions using employers' standard application processes.

- [Access the WRP for Federal Employers](#)
- [Access the WRP for Private Employers](#)
- [Learn About WRP](#)

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 289,000 for the week ended Dec. 13, down 6,000 from the previous week's revised level. The four-week moving average was 298,750, down 750 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

OASAM — Vendor Outreach Session

- [January 21 — Washington, DC](#)

OFCCP — Revised Supply and Service Scheduling Letter and Itemized Listing

minimum legal requirements," said Susana Blanco, district director for the division in San Francisco. Investigators found many employees received as little as \$5 per hour and worked up to 11 hours per day, five to six days a week.

- [Read the News Release](#)

Ohio Auto Parts Manufacturer Ignored Safety Hazards

For the third time since October 2013, Formed Fiber Technologies LLC has been cited for putting workers at risk of amputation and other serious injury by exposing them to dangerous, moving machine parts. The Sidney, Ohio, facility produces motor vehicle interior trim for Toyota Motor Corp. and General Motors Co. The Occupational Safety and Health Administration cited two willful violations with proposed penalties of \$140,000, following an inspection in June.

- [Read the News Release](#)

Los Angeles-area Restaurant Workers to Receive Overtime Pay

Sixty-nine workers employed at four El Pollo Loco restaurants around Los Angeles will receive more than \$72,613 in overtime back wages and an equal amount in damages. Investigators with the Wage and Hour Division found that the owner and operator failed to compensate employees time and a half for hours worked beyond 40 in a workweek, as required. "Many employees worked as many as 60 to 70 hours per week, six or seven consecutive days."

- [Read the News Release](#)

Manufacturing Plant Cited for Employee's Acute Kidney Failure

The operator of a Nebraska automotive manufacturing plant failed to protect one of its employees from extreme indoor heat, the Occupational Safety and Health Administration reported. The 53-year-old worker at Eaton Corp. in Kearney became dehydrated and suffered acute kidney failure as the heat index soared to 101 degrees on July 11. OSHA issued one serious health violation and fined the company \$7,000. The worker recovered after being hospitalized overnight. "Heat illness can happen indoors year-round," said Bonita Winingham, OSHA's area director in Omaha. "Employers must accustom workers in industrial environments to their facility."

- [Read the News Release](#)

No Process Safety Management System at Meat Processing Plant

After a worker without high-visibility clothing was struck and killed by a car outside its plant, Surlean Foods of San Antonio, Texas, was cited for nine serious safety and health violations. The Occupational Safety and Health Administration also found the company did not use proper procedures for chlorine and anhydrous ammonia. Surlean also failed to implement a written Process Safety Management system with key provisions, including employee participation, equipment inspection requirements, proper plan management and the development of an emergency action plan. The employer exposed workers to amputation hazards by failing to guard rotating industrial machine parts, OSHA reported.

- [Read the News Release](#)

Dollar Tree Racks Up Long List of Violations

Dollar Tree Stores Inc. has been cited for the second time in Delaware in little over a year by the Occupational Safety and Health Administration. In June 2014, inspectors witnessed an employee struck by falling boxes at its New Castle store. OSHA has proposed penalties totaling \$103,000 for willfully and repeatedly exposing workers to serious hazards. The incident is the latest in a long list of violations for which Dollar Tree Stores has been cited. As of October 2014, OSHA has issued more than \$800,000 in fines to

- [January 8 — Los Angeles, CA](#)

OFCCP — Section 503 and VEVRAA Regulations

- [January 29 — Houston, TX](#)

OFCCP — Understanding AAP Requirements

- [January 8 — Houston, TX](#)

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the major North American discount chain for the same or similar violations. In October 2013, three employees were hurt by falling boxes at a Wilmington Dollar store.

- [Read the News Release](#)

Restaurant Employees Shortchanged on Overtime

Uncle Bear's Grill & Bar eateries in Phoenix will pay \$115,252 in overtime back wages to 54 employees after the Wage and Hour Division determined the employer failed to pay overtime wages. The investigation found some employees regularly worked as many as 60 hours per week. While the employer's payroll program correctly calculated employees' wages and overtime, the employer ignored the system and paid restaurant cooks straight time for all hours worked. A \$14,960 penalty also was assessed against the restaurant due to the willful nature of the violations. "The violations affected workers' wages, and many were shorted as much as \$300 per month," said Eric Murray, the division's district director in Phoenix.

- [Read the News Release](#)

Suit Seeks \$200,000 in Back Wages for Hotel Workers

An investigation by the Wage and Hour Division has determined that approximately \$100,000 in back wages and an equal amount in liquidated damages is owed to 192 front-desk clerks, housekeeping staff and other employees of 13 hotels in North Dakota and Montana. A lawsuit has been filed against hotel owner, Bharat I. Patel, alleging his failure to pay workers minimum wage and/or overtime rates at the hotels. "The hospitality industry is staffed by hard-working, low-paid employees who deserve fair compensation for long hours," said Charles Frasier, district director for the division in Denver. The department and the U.S. Attorney for the District of North Dakota have filed the suit in federal court in Fargo.

- [Read the News Release](#)

Roof Framing Allowed Without Fall Protection for Workers

M. Durrance Construction Inc. of Jacksonville, Fla., was cited by the Occupational Safety and Health Administration for exposing workers to dangerous falls during residential framing work in Orange Park, Fla. OSHA issued one willful citation, with a \$53,900 penalty, for allowing employees to conduct roofing operations on a pitched structure without fall protection. The agency has cited the company three times since 2010 for lack of fall protection. The framing and siding contractor was under contract with Lever Rock Construction to build a single-family residence in the Oakleaf Plantation subdivision. The October inspection was initiated as part of the agency's Regional Emphasis Program on Falls in Construction.

- [Read the News Release](#)

Dangerous Levels of Lead, Copper Fumes Found at Cleveland Plant

Cleveland-based Republic Metals Inc. was cited with 19 serious safety and health violations after alleged unsafe work conditions. Occupational Safety and Health Administration inspectors found dangerous levels of lead and copper fumes in the facility and determined the company failed to implement engineering controls and maintain areas free of lead dust and accumulation. "Lead is a leading cause of workplace illness and a common health hazard," said Howard Eberts, OSHA's area director in Cleveland. "Lead particles can travel from work sites on clothing and materials, which endangers workers' and families' lives." The violations carry proposed penalties of \$42,800.

- [Read the News Release](#)

Ohio Rice-Cake Plant Cited in Worker Injuries

Responding to a complaint of an electrical shock injury, an Occupational Safety and Health Administration inspection at Basic Grain Products Inc. has resulted in two repeat and five serious safety violations, with penalties of \$58,410. Investigators found a 20-year employee was injured while

performing service work on an electrical panel at the Coldwater, Ohio, rice-cake manufacturer. During their review, OSHA also learned that another employee had part of his ring finger amputated as he adjusted a machine used to make rice cakes.

- [Read the News Release](#)

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